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REMARKS

Claims 1-31 and 33 are pending in the present application. Claims 1, 8-12, 17, and 18 have been amended; Claims 34-37 have been added; and Claim 5 has been cancelled, leaving Claims 1–4, 6-31 and 33-37 for reconsideration upon entry of the present amendment. Reconsideration and withdrawal of the outstanding rejection is respectfully requested in view of the following remarks.

Information Disclosure Statement

An electronic information disclosure statement (e-IDS) containing art relevant to the invention was submitted on June 20, 2002. The conformation number for the submission is 9633. The e-IDS was inadvertently overlooked by the Examiner and was not signed. Applicants respectfully request consideration of the e-IDS by the Examiner and notification that it has been considered.

Amended Claims:

Claim 1 has been amended to better define the invention. Support for this amendment can be found at least on page 3, line 7 of the specification.

Claims 8, 11, 17, and 18 have been amended merely to place them in independent form. These amendments do not narrow the scope of Claims 8, 11, 17, and 18.

No new matter has been added as a result of these amendments.

Claims Added

Claims 34, 35, 36 and 37 have been added to better define the invention. Support for the new claims can be found at least on page 3, line 7 of the specification. No new matter has been added as a result of these amendments.

Claims Rejected Under 35 U.S.C. §102(b)

Claims 1 – 7, 14 - 16 stand rejected under 35 U.S.C. §102(b) as being allegedly anticipated by JP 06-060422 to Tsuneo at al. ("Tsuneo") (Paper 15, page 2).

The Examiner contends that "[t]he JP 06-060422 reference discloses an optical recording material and optical recording substrate having the characteristics and parameters, i.e., laser light and wavelength within the transmittance ranges as claimed by Applicants" (Paper 15, page 2). Applicants respectfully traverse the rejection.

The present application is directed to and claims a colored data storage media, comprising a substrate comprising colorant and plastic, wherein the substrate has a transmissivity of about 70% to about 85% at a readback laser wavelength when traversing a 1.2 mm thick colored substrate. (Claims 1 – 7, and 14 - 19).

Applicants disagree with the Examiner on the grounds that Tsuneo does not teach all elements of the claimed invention. To anticipate a claim under 35 U.S.C. §102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988).

Tsuneo teaches optical recording material consisting essentially of a transparent thermoplastic resin substrate into which an IR (infra-red) absorbing dye and red heat dye are compounded, so that laser light of 780 nm (nanometers) wavelength and 400 – 700 nm wavelengths can be transmitted through the substrate. The thermoplastic resin substrate is blended with the IR absorbing dye and red heat dye to largely simplify reproduction of REW (rewritable) substrates and ROM (read only) substrates in one device (see Abstract). In order to accomplish this simplified reproduction, Tsuneo teaches that the light transmission of the 780 nm wavelength light as well as the 400 – 700 nm light must satisfy the equation shown in Claims 1 and 2 (see page 2). Tsuneo further teaches that in order to satisfy the conditions of this equation, the light transmission must range from 51% to 63%, and if the light transmission is outside this range, then it is impossible to attain the purpose of the invention (see page 5, paragraph 0016, lines 6 - 8]. This fact is again emphasized in the Examples 1 –3 of Tsuneo, where the light transmission of the optical substrates (in the 400 – 800 nm wavelength range) as seen in Drawings 1, 2 and 3 is around 60% in all cases. These teachings of Tsuneo are clearly in contrast to the claimed invention wherein the substrate has a transmissivity of about 70% to about 85% at the readback laser wavelength.

Since Tsuneo teaches that light transmission outside the range of 51% to 63% would make it impossible to attain its invention, it is quite clear that the use of a colored substrate having a transmissivity of about 70% to about 85% as presently claimed would render Tsuneo's invention inoperable. Thus, not only does Tsuneo not teach all elements of the present invention, but it additionally teaches away from the present invention since its invention would not be operable if it did use the transmissivity claimed in the present invention. For these reasons at least, Tsuneo cannot anticipate the claimed invention. Since Tsuneo does not teach all elements of the claimed invention, Applicants respectfully request reconsideration and a withdrawal of the rejection.

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Claim Objections

The Examiner has stated that "[c]laims 8 – 13 and 17 – 18 are objected to because of the following informalities. Claims are dependent upon rejected claims and may be allowable if rewritten in independent form" (Paper 15, page 2).

Claims 8, 11, 17 and 18 have been rewritten in independent form, thereby rendering the objection to Claims 8 – 13 and 17 –18 moot. Reconsideration and withdrawal of this objection is requested.

It is believed that the foregoing remarks and amendments fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and withdrawal of the rejections and objections and allowance of the case is requested.

If there are any additional charges with respect to this amendment or otherwise, please charge them to Deposit Account No. 07-0862 maintained by Assignee.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

A marked up version of Claims 1, 8 - 12, 17, and 18 are as follows:

1. (Amended/Marked-up) A colored data storage media, comprising:

a substrate comprising colorant and plastic, wherein the substrate has a transmissivity of about 70% to about 85% ~~or less~~ at a readback laser wavelength when traversing a 1.2 mm thick colored substrate ~~(disk)~~.

8. (Amended/Marked-up) ~~The~~ A colored data storage media ~~of Claim 1~~, comprising:

a substrate comprising colorant and plastic, wherein the substrate has a transmissivity of about 85% or less at a readback laser wavelength when traversing a 1.2 mm thick colored substrate; and

wherein the substrate further comprises visual effects selected from the group consisting of glass, metal, titanium dioxide, mica, angular metamerism materials, and combinations comprising at least one of the foregoing visual effects.

9. (Amended/Marked-up) The storage media of Claim 368, where in the visual effects have a geometry selected from the group consisting of chips, particles, and combinations comprising at least one of the foregoing geometries.

10. (Amended/Marked-up) The storage media of Claim 368, where in the visual effects are in the form of flakes.

11. (Amended/Marked-up) ~~The~~ A colored data storage media ~~of Claim 1~~, comprising:

a substrate comprising colorant and plastic, wherein the substrate has a transmissivity of about 85% or less at a readback laser wavelength when traversing a 1.2 mm thick colored substrate; and

wherein the colorant further comprises a fluorescent material having a fluorescent color emission wavelength which is not equal to the readback laser wavelength.

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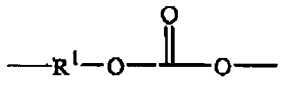
12. (Amended/Marked-up) The storage media of Claim ~~11~~37, wherein the fluorescent color emission wavelength is different than the readback laser wavelength by at least about ±10nm.

17. (Amended/Mark-up) A~~the~~ colored data storage media ~~of Claim 15~~, comprising:

a substrate comprising colorant and plastic, wherein the substrate has a transmissivity of about 85% or less at a readback laser wavelength when traversing a 1.2 mm thick colored substrate; and

wherein the plastic is polycarbonate, and the polycarbonate comprises structural units of the formula (I):



(I)

in which at least about 60 percent of the total number of R^1 groups are aromatic organic radicals and the balance are aliphatic, alicyclic, or aromatic radicals.

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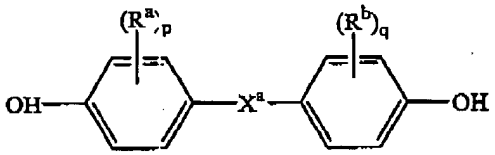
18. (Amended/Mark-up) ~~The~~ A colored data storage media ~~of Claim 15~~ comprising:

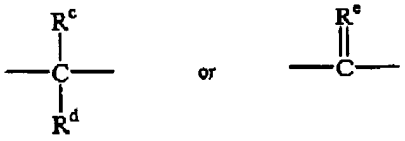
a substrate comprising colorant and plastic, wherein the substrate has a transmissivity of about 85% or less at a readback laser wavelength when traversing a 1.2 mm thick colored substrate; and

wherein the plastic is polycarbonate, and the polycarbonate is produced by the interfacial reaction of dihydroxy compounds having general formula (III) as follows:



(III)

wherein R^a and R^b each, independently, represent a halogen atom or a monovalent hydrocarbon group; p and q are each independently integers from 0 to 4; and X^a represents one of the groups of formula (IV):



(IV)

wherein R^c and R^d each independently represent a hydrogen atom or a monovalent linear or cyclic hydrocarbon group and R^e is a divalent hydrocarbon group.